# CONFERENCE ON DISARMAMENT

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## REPORT OF THE AD HOC COMMITTEE ON PREVENTION OF AN ARMS RACE IN OUTER SPACE

### I. INTRODUCTION

1. At its 637th plenary meeting on 21 January 1993, the Conference on Disarmament established an Ad Hoc Committee on the item "Prevention of an Arms Race in Outer Space" with the mandate contained in document CD/1125 of 14 February 1992.

### II. ORGANIZATION OF WORK AND DOCUMENTS

2. At its 639th plenary meeting on 28 January 1993, the Conference on Disarmament appointed Ambassador Wolfgang Hoffmann of Germany as Chairman of the Ad Hoc Committee. Mr Vladimir Bogomolov, Political Affairs Officer, United Nations Office for Disarmament Affairs, served as the Committee's Secretary.

3. The Ad Hoc Committee held 17 meetings between 16 February and 18 August 1993.

4. In addition to the documents of the previous sessions[1/] the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1993 session:

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1/ The List of Documents of the previous Sessions may be found in the 1985, 1986, 1987, 1988, 1989, 1990, 1991 and 1992 Reports of the Ad Hoc Committee (CD/642, CD/732, CD/787, CD/870, CD/956, CD/1039, CD/1111 and CD/1165 respectively), and in the special report to the Third Special Session of the General Assembly devoted to Disarmament (CD/834).

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| CD/OS/WP.57 | 1993 Programme of Work |
| CD/OS/WP.58 and Corr.1 | Working paper entitled "Confidence-building Measures in Outer Space" submitted by Colonel Georgui Diachenko, Friend of the Chairman of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space |
| CD/OS/WP.59 | Working Paper entitled "Confidence-building Measures in Outer Space, Notification of Launches of Space Objects and Ballistic Missiles" submitted by France |
| CD/OS/WP.60[2/] | Chairman's Paper: Review of the work of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space on issues relating to confidence-building measures in outer-space activities |
| CD/OS/WP.61 | Working paper entitled "Some thoughts on the design of Confidence-Building Measures in space activities" submitted by Colonel Yuri Novosadov, Friend of the Chairman |
| CD/OS/WP.62 | Working paper entitled "Low-intrusiveness Measures for Monitoring a Protection Regime in Outer Space" submitted by Dr. Hubert Feigl, Expert of the Delegation of Germany |
| CD/OS/WP.63 | Working paper entitled "The Regulation of Nuclear Power Systems in Near-Earth Space as Confidence-Building Measures aimed at strengthening international security" submitted by Bruno Bertotti, Dipartimento di Fisica Nucleare Teorica - Università di Pavia in collaboration with Luciano Anselmo, Centro Nazionale Universitario Calcolo Elettronico, Pisa and Paolo Farinella, Dipartimento di Matematica, Università di Pisa, Italy |
| CD/OS/WP.64 | Working paper entitled "Terminological Groundwork for Confidence-Building Measures in Outer Space" submitted by Rafael M. Grossi, Friend of the Chairman |
| CD/OS/WP.65 | Chairman's Suggestions for the Future Work of the Committee |
| CD/OS/WP.66 | Summary of Experts' Presentations to the Ad Hoc Committee |
| CD/OS/WP.67 | France - Working Paper - Ballistic Missiles, Space Objects and Launchers. Definitions |

## III. SUBSTANTIVE WORK DURING THE 1993 SESSION

5. Following consultations on the organization of work at its first meeting on 16 February 1993, the Ad Hoc Committee adopted the following Programme of Work for the 1993 Session:

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2/ CD/OS/WP.60* - reissued in English only

"1. Examination and identification of issues relevant to the prevention of an arms race in outer space.

2. Existing agreements relevant to the prevention of an arms race in outer space.

3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

In carrying out its work with a view to finding and building upon areas of convergence, the Ad Hoc Committee will take into account relevant proposals, initiatives and developments since the establishment of the Committee in 1985 including those presented at the 1992 session of the Conference on Disarmament.

The practice of appointing Friends of the Chairman to organize open-ended consultations on issues of specific interest to the Committee should continue."

6. The Ad Hoc Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its Programme of Work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects, while any member wishing to do so may discuss any subject important and relevant to the work of the Committee.

7. The work of the Ad Hoc Committee was governed by the mandate which aims at the Prevention of an Arms Race in Outer Space.

8. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed or further elaborated their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Working Papers, and Plenary Records.

9. The Ad Hoc Committee once again benefitted from the scientific and technical contributions of experts from various delegations, who addressed the following specific issues and initiatives under consideration in the Committee: Professor B. Bertotti (Italy) "The Regulation of Nuclear Power Systems in Near-Earth Space"; Dr H. Feigl (Germany) "Low-intrusiveness Measures for Monitoring a Protection Regime in Outer Space"; Dr U. Ekblad (Sweden) "Confidence-Building Measures as Means for Enhancing Space Security"; Mr H. Baccini (France) "French Procedures used for the National and International Notification of Launches of the European Launcher Ariane IV"; Major K. Story (United States of America) "Close Encounters in Space, the Keep-Out Zone Problem"; and Professor Dr M. Abdel-Hady (Egypt) "Verification Using Satellites as Confidence-Building Measure in Disarmament Affairs". The content of those presentations is contained in document CD/OS/WP.66 dated

13 August 1993. A representative of UNIDIR briefed the Committee on the activities of the Institute in this field.

10. The Ad Hoc Committee continued to enjoy the assistance of the Friends of the Chairman who were appointed by the Chairman to deal with the following issues without prejudice to positions of delegations in open-ended consultations:

(i) confidence-building measures in outer space (Colonel G. Diachenko, Delegation of the Russian Federation, subsequently succeeded by Colonel Y. Novosadov and Colonel V. Sukharev);

(ii) terminology and other relevant legal aspects related to prevention of an arms race in outer space (Mr R. Grossi, Delegation of Argentina).

Summary of the efforts of the Friends of the Chairman

(a) The respective Friends of the Chairman (Russian Federation) analysed all relevant numerous proposals related to the elaboration of confidence-building measures in outer space activities submitted over the years by the members of the Ad Hoc Committee and presented their assessment in documents CD/OS/WP.58 of 12 March 1993 and Corr.1 of 22 June 1993, and CD/OS/WP.61 of 26 May 1993. These proposals covered primarily the issues of the transparency of outer space activities (provision by States of more detailed information concerning planned and actual activities in outer space), the issues of elaborating a "code of conduct" and "rules of the road" in outer space, the issues of verification, as well as issues concerning the establishment of different international organizations that would favour the actual implementation of confidence-building measures. Based on the substance of the two above-mentioned documents prepared by the Friends of the Chairman and from the consultations held, it appeared that the majority of the members of the Ad Hoc Committee supported, one way or another, the idea of using confidence-building measures as a first step towards finding an encompassing solution to the problem of preventing an arms race in outer space. Such an approach, being a phased one by its nature, would initially allow the creation of an entire system of measures removing suspicion from outer space activities conducted by States and, in the long term, focussing further efforts of the Ad Hoc Committee to find efficient means of preventing an arms race in outer space. The Friends of the Chairman were of the view that it would be appropriate to widen and change the existing mandate.

(b) The Friend of the Chairman (Argentina), proposed to the Committee a different course of action from that followed in previous exercises of the

Committee in the area of terminological and other relevant legal aspects. The methodology proposed consisted in leaving aside fundamental problems of the space debate, like the question of peaceful/non-peaceful uses of outer space or the discussion of the scope of terms like militarization in a space context, on the assumption that these had been widely discussed by analysts in different fora and academic circles for a number of years without success. The Friend of the Chairman suggested establishing a link between the terminological exercise with the area of proposals and initiatives, the latter being the one that clearly embodies the future concrete activities of the Committee. Delegations thus agreed to initially concentrate their work on terminological and other relevant legal aspects directly related to existing proposals on confidence-building measures. The Friend of the Chairman prepared, under his own responsibility, a Working Paper (CD/OS/WP.64), intended to provide a basis for the consultations that were held. That document suggested as objectives for the terminological work the following: to provide additional clarification on the scope and objectives of existing proposals; to reduce possible redundancies and overlaps which might exist between different proposals; and to assist the Ad Hoc Committee in its assessment of the political acceptability and/or technical feasibility of proposals. In keeping with these guidelines, the document of the Friend of the Chairman drew attention to an indicative list of terms drawn from existing proposals in the area of confidence-building measures, and provided cross references to existing legal instruments already including definitions of those terms. Delegations, having made specific proposals, also provided additional references as well as their own definitions for selected terms. Finally, some delegations pointed out the importance of also addressing definitions related to space weapons. In this connection they recalled proposals and Working Papers introduced in previous sessions of the Ad Hoc Committee.

11. The delegation of France introduced a proposal for the prior notification of launches of space objects and ballistic missiles (CD/OS/WP.59). It recalled that, in its view, the goal of preventing an arms race in outer space could be gradually attained through a set of measures designed to ensure the security of space activities, to establish the illegal character of aggressive uses of outer space, and to increase confidence and transparency in space activities. Moreover, it considered that, since most space technologies could be used to produce ballistic missiles able to deliver weapons of mass

destruction, there was a need to ensure, through increased transparency, that space technologies were not diverted to non-peaceful uses. France, considering that the 1975 Registration Convention was insufficient, proposed that the Conference on Disarmament negotiate a new international instrument providing for the prior notification of launches of space objects and ballistic missiles and the establishment, under the auspices of the United Nations, of an international notification centre tasked with the collection and the dissemination of the data notified by the launching States. A number of delegations supported this initiative, considering that it could offer a realistic solution to the present deadlock in the Ad Hoc Committee due to the demands for more far-reaching negotiations on the one hand, and the need for further discussions on the other.

12. The Group of 21 noted that the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security, could facilitate negotiations as envisaged in the mandate of the Committee. The Group maintained that the prevention of an arms race in outer space would pave the way for the exploration and peaceful uses of outer space solely for the common interest and benefit of mankind and that States with advanced space technology and capabilities had special responsibilities for the discontinuance of all weapon-related activities adversely affecting the peaceful uses of outer space. It felt that, among the concrete proposals made on confidence-building measures, many were ripe for implementation, and some elements of these could form integral parts of a multilaterally negotiated agreement on the prevention of an arms race in outer space. In this regard, whilst appreciating the work carried out so far by the Friends of the Chairman on CBMs, the Group reiterated that, because of their supplementary and interim nature, CBMs were not an end in themselves. Their treatment in this Ad Hoc Committee should in no way detract, retard, or negatively affect, the attainment of its primary objective, namely, the conclusion of an international agreement, or agreements, on the prevention of an arms race in outer space, with a view to reinforcing the existing legal régime. Such an agreement, or agreements, should themselves include, and be the very cornerstone, of CBMs. The Group of 21 took note of, and shared the view of the Chairman of the Ad Hoc Committee, on the need to widen and enrich the present mandate with a negotiating character. In this regard, it encouraged the Chairman to pursue his consultations with a view to formulating a new mandate acceptable to all. The Group also reaffirmed its willingness to work

towards filling in the gaps that existed in the present outer space legal régime and reiterated that the conclusion of a multilaterally negotiated agreement, or agreements, for the elimination of the danger to international peace and security of an arms race in outer space should remain the most important area of responsibility of the Conference on Disarmament.

13. The delegation of Argentina referred to the area of confidence-building measures as one of the cornerstones of space stability and security. It considered CBMs in outer space as an appropriate example of a preventive measure in the space field. In the view of this delegation, the use of this type of measure in space, if applied with the same zeal and scope as in the case of the European continent, could be essential to avoid an arms race in space. An updated mandate for the Committee should, in its opinion, start with the consideration of CBMs.

14. The delegation of China also emphasized that while CBMs contributed to the positive development in international relations, their role was limited for the objective of this Committee. CBMs, on their own, could not eliminate the danger of weaponization in outer space. Therefore, the discussions on CBMs should not obstruct or delay indefinitely the process of formulating an effective legal instrument banning all space weapons and preventing an arms race in outer space.

15. The delegation of China pointed out that the notification of launches of ballistic missiles was not directly related to the work of this Committee. Ballistic missiles were not space objects, and their trajectory was mostly in atmosphere and thin atmosphere. Therefore, it was not possible for them to cause collision of space objects. The issue of notification of launches of ballistic missiles exceeded the Committee's mandate and should not be dealt with by it. Consequently, the term "ballistic missile" should not necessarily be included in the discussions on terminology in the Committee. Some other delegations expressed the opposite view.

16. The delegation of India had consistently put forward the idea of a ban on testing, development and deployment of all anti-satellite weapons. The existing legal régime already posed a wide variety of legal restraints on the nature, development and the use of ASATs. Therefore, the delegation of India had subscribed to the "narrow" interpretation of the ABM Treaty that it prohibited the development, testing and deployment of sea-based, air-based, space-based and land-based ABM systems and components without regard to the technology utilised. Since satellite technology generated enormous

opportunities in the field of economic growth and international security, it was imperative that the increasing positive developments of satellite technology should be safeguarded on an urgent basis. The Committee could approach the inadequacies of the existing international régime through its progressive development to address contemporary realities and the need to prevent an arms race in outer space. Such development should not, however, conflict with other aspects of international law on outer space. Confidence-building measures should be transparent and should not impede civilian national space programmes or international cooperation in space for peaceful purposes. CBMs were not a substitute for disarmament, though India acknowledged the contribution of CBMs in reducing the risk of misperceptions. Therefore, any future terms of reference of the Ad Hoc Committee should also include the need for engaging in actual multilateral negotiations with the objective of establishing an effective legal agreement to prevent an arms race in outer space.

17. One delegation from the Group of 21 voiced concern at the fact that major Powers continued to place more sophisticated defence systems in outer space. It stated that anti-ballistic missile defence systems were contrary to the spirit of various international agreements concerning the exploration and use of outer space for the benefit and in the interests of all mankind. Increased efforts needed to be made in the Ad Hoc Committee to arrive at an international legal régime preventing the militarization of outer space. With reference to the work done by the Friends of the Chairman on confidence-building measures and on questions of terminology and other relevant legal questions, the delegation said that, while the first ones increase transparency and predictability, they should not become a substitute for the primary objective of prohibiting the development, testing, manufacture, deployment and use of all space weapons. The definition of generally accepted terms was also important but should not be seen as an end in itself; it should perhaps be tackled specifically, with an analysis of existing initiatives, in order to achieve progress in the strengthening of the existing legal régime. Hence the delegation suggested to discuss the Venezuelan proposal (document CD/851 of 2 August 1988), namely to amend Article IV of the 1967 Outer Space Treaty so as to extend the scope of the ban on weapons in space.

18. The delegation of the Netherlands stated that, due to changes in the international security environment, new possibilities had been created for the

utilization of space technology for peaceful purposes. The delegation agreed with the Chairman's conclusion that the time had come to envisage the elaboration of a legal instrument establishing CBMs. It believed that the Ad Hoc Committee could engage in negotiating a set of CBMs concerning three different subjects:

(a) reinforcing existing legal instruments;

(b) notification of launches of ballistic missiles; and

(c) information concerning space activities.

Welcoming the suggestion that a new mandate should be considered for the Ad Hoc Committee, the delegation expressed the hope that it would finally be possible in 1994 to establish an Ad Hoc Committee with a mandate which would be better suited to practical needs.

19. The delegation of Poland felt that CBMs presented the most direct route to the ultimate goal - a safe and stable outer space régime. It supported the idea of using CBMs as an important instrument and an intermediate step towards that goal. It believed that a suitable legal instrument on CBMs would offer the international community a convenient "parking orbit" from which to seek to reach the final objective. The problem was one of judicious choice - which "rules of the road" should be considered, and what "code of conduct" should be contemplated first. From this point of view, Poland had no difficulty in supporting the course of action of this Committee which the Chairman had proposed in his paper CD/OS/WP.65.

20. The delegation of the Russian Federation noted that the discussion at the Committee was already focussing to a large extent on the numerous available proposals on CBMs. It was suggested that the next logical step would be to take the course of action proposed by the Chairman in his paper CD/OS/WP.65. It was pointed out that all the justifiable concerns of the States regarding the specific aspects of the proposed CBMs would be taken care of in the course of future negotiations on the subject. The delegation also shared the view that the future mandate of the Committee should stipulate that CBMs are only a first step on the road to preventing an arms race in outer space, which remains a final goal of the Committee.

21. The delegation of Sweden indicated that many useful and interesting proposals had been submitted concerning CBMs. Of special interest was the French proposal on prior notification of launchers of space objects and ballistic missiles. According to Sweden, this proposal had a vast confidence-building potential and deserved concrete treatment within the

Committee. In its view, the time was now ripe to begin solid negotiations on CBMs, and therefore the Committee should have a negotiating mandate on this issue. This kind of mandate would be a reasonable compromise between no negotiations at all and all-encompassing negotiations. In this context, it felt that a mandate along the lines of the Chairman's proposal in his working paper CD/OS/WP.65 should be seriously considered.

22. The delegation of Turkey, a non-member of the Conference on Disarmament, considered that the French proposal announced on 16 March 1993 was useful for reflection, but its application would depend on the existence of an efficient system of verification and would require universal participation for its functioning. Because of the absence of real sanctions in case of non-compliance, the system absolutely necessitated the participation of States possessing a system of detection and those who were able to launch ballistic missiles.

23. There continued to be general recognition in the Ad Hoc Committee of the importance - and urgency as seen by the majority of the delegations - of preventing an arms race in outer space and the readiness to contribute to that common objective. The work of the Committee since its establishment in 1985 had contributed to the accomplishment of this task. The debates and the presentations made by experts at this annual session with the emphasis on confidence-building measures contributed to further identifying and clarifying a number of issues relevant to the prevention of an arms race in outer space. There was again recognition of the significant role that the legal régime applicable to outer space played in the prevention of an arms race in that environment, and of the need to consolidate and reinforce that régime and enhance its effectiveness, and of the importance of strict compliance with existing agreements, both bilateral and multilateral. In the course of the deliberations, the common interest of mankind in the exploration and use of outer space for peaceful purposes was acknowledged. The Ad Hoc Committee also recalled the importance of paragraph 80 of the Final Document of the first special session devoted to disarmament, which stated that 'in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies'. The Ad Hoc Committee continued its examination of existing, and some new, proposals aimed at preventing an arms race in outer space to ensure that its exploration and

use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind.

24. In the context of the experts' contributions to the discussions on all aspects of the mandate and programme of work, the importance of the presentations in the Committee relating to confidence-building measures and to greater transparency and openness in outer space made in the course of the 1993 session was recognized by the Committee. Although cognizant of the various positions on these matters, the Committee also recognized the relevance of that discussion to the work of the Committee.

25. In this regard the Chairman presented suggestions for the future work of the Ad Hoc Committee and its mandate as contained in document CD/OS/WP.65, proposing a negotiating mandate on CBMs. The majority of the delegations, while emphasizing that the scope of the mandate of the Ad Hoc Committee should not be narrowed and priorities in this field not altered, held the position that the Ad Hoc Committee should be given a negotiating mandate encompassing all relevant aspects of prevention of an arms race in outer space. A number of delegations shared and supported the view of the Chairman of the Ad Hoc Committee for the need to widen and change the nature of the present mandate to enable it to negotiate on CBMs. A few States, however, believed that the Ad Hoc Committee had still not yet identified any aspect of space activities which would lend itself to negotiations.

26. The Committee noted the valuable and significant contribution to the discussions made by the experts from several delegations and expressed its appreciation to those delegations that provided contributions. The Committee equally voiced its appreciation of the work by the Friends of the Chairman and their organization of open-ended consultations on the issues of CBMs, terminology and other relevant legal aspects related to the prevention of an arms race in outer space. There was wide agreement that the conclusion of an international agreement, or agreements, to prevent an arms race in outer space remained the fundamental task of the Committee, and the concrete proposals on CBMs could form an integral part of the said agreements.

## IV. CONCLUSIONS

27. It was agreed that substantive work on all these issues should continue at the next session of the Conference. Therefore, it was recommended that at the beginning of the 1994 session, the Conference on Disarmament re-establish the Ad Hoc Committee on Prevention of an Arms Race in Outer Space with an appropriate mandate, taking into account the work undertaken since 1985.

# CONFERENCE ON DISARMAMENT

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## Report of the Ad hoc Committee on Transparency in Armaments

### I. Introduction

1. At its 637th plenary meeting, on 21 January 1993, the Conference on Disarmament decided to establish an Ad hoc Committee on Transparency in Armaments for its 1993 session with the following mandate (CD/1150 of 26 May 1992):

"The Conference on Disarmament, having considered the requests of the United Nations General Assembly included in its resolution 46/36 L, 'to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field; to address the problems of, and the elaboration of practical means to increase openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments; and to include in its annual report to the General Assembly a report on its work on this issue', and bearing in mind the time-frame established in paragraph 11 (b) of said resolution, decides to add to its agenda for its 1992 session an item entitled "Transparency in armaments", under which it can address those issues. The Conference on Disarmament further decides to include in its 1992 report to the United Nations General Assembly a section covering its work on this agenda item.

"The Conference also decides to address the agenda item in a series of informal meetings, under the chairmanship of Ambassador Zahran of Egypt.

"The Conference has taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development. Further, the Conference has also taken note of the request made to the Secretary-General of the United Nations in paragraph 14 of the same resolution to provide the Conference all relevant information, including, inter alia, views submitted to him by Member States and information provided under the United Nations system for the standardized reporting of military expenditures, as well as on the work of the Disarmament Commission under its agenda item entitled 'Objective information on military matters'."

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II. Organization of Work and Documents

2. The Ad hoc Committee held its first meeting on 19 March 1993 under the Chairmanship of Ambassador Mounir Zahran, who had been appointed on 18 March 1993, at the 646th plenary meeting of the Conference on Disarmament. Ms. Jenifer Mackby, Political Affairs Officer, Office for Disarmament Affairs, served as Secretary of the Ad hoc Committee.

3. The Ad hoc Committee held 15 meetings from 19 March to 23 August 1993.

4. In accordance with the decision of the Conference at its 603rd plenary meeting on 22 August 1991, the Ad hoc Committee was open to all non-member States invited by the Conference, upon their request, to participate in its work.

5. In addition to the documents of the previous session related to this item, the following official documents were submitted during the annual session:

(a) Document CD/1191 (also issued as CD/TIA/WP.3), dated 5 March 1993, submitted by the delegation of the People's Republic of China, entitled "Letter dated 4 March 1993 from the Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting the text of a document entitled 'Position of the Chinese delegation on Transparency in Armaments'"

(b) Document CD/1206 (also issued as CD/TIA/WP.11), dated 20 July 1993, submitted by the delegation of the United States of America, entitled "Remarks made by Ambassador Michael Newlin: Deputy Assistant Secretary of State, Bureau of Politico-Military Affairs" on the field of export controls and conventional military equipment and technology

(c) Document CD/1207 (also issued as CD/TIA/WP.12), dated 20 July 1993, submitted by the delegation of the United States of America, entitled "U.S. arms export system: policy, practices & contacts - September 4, 1992"

(d) CD/TIA/WP.4, dated 18 May 1993, Working Paper by the United States on an international data exchange of military holdings and procurement through national production

(e) CD/TIA/WP.5, dated 7 June 1993, Working Paper by the United Kingdom of Great Britain and Northern Ireland, entitled "An Annual Declaration of the Size and Organization of Armed Forces"

(f) CD/TIA/WP.6, dated 8 June 1993, Working Paper by the United States on definitions of terms "military holdings" and "procurement through national production"

(g) CD/TIA/WP.7, dated 10 June 1993, Working Paper by Japan, entitled "Proposal on the Elaboration of Universal and Non-Discriminatory Practical Means to Increase Openness and Transparency in Armaments"

(h) CD/TIA/WP.8, dated 10 June 1993, Working Paper by France on definitions of the terms "military holdings", "procurement through national production" and "armed forces"

(i) CD/TIA/WP.9, dated 10 June 1993, Working Paper by France on the expansion of the United Nations Register of Conventional Arms to cover military holdings and procurement through national production

(j) CD/TIA/WP.10, dated 5 July 1993, Working Paper by Italy on measures to increase transparency

(k) CD/TIA/WP.13, dated 2 August 1993, submitted by Germany, entitled "A Framework for International Data Exchange of Military Holdings and Procurement through National Production"

(l) CD/TIA/WP.14, dated 3 August 1993, Working Paper by Argentina on a supplementary register for weapons of mass destruction

(m) CD/TIA/WP.15, dated 13 August 1993, Working paper by the Islamic Republic of Iran on transparency in armaments and the Conference on Disarmament

(n) CD/TIA/WP.16, dated 16 August 1993, Working Paper entitled "Statement of Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela" on the Ad hoc Committee on Transparency in Armaments

(o) CD/TIA/WP.17 and Corr.1, dated 16 August 1993, Working Paper by Italy, entitled "Declaration of the conversion/closure of military production facilities"

(p) CD/TIA/WP.18, dated 18 August 1993, Working Paper by the Russian Federation, entitled "International data exchange on military holdings and procurement through national production"*

(q) CD/TIA/CRP.2/Rev.3, dated 11 June 1993, entitled "Timetable of Meetings"

(r) CD/TIA/CRP.3, dated 19 March 1993, entitled "Programme of Work"

(s) CD/TIA/CRP.4, dated 29 July 1993, Conference Room Paper by Italy on the "Symposium on Transparency in Aramements: the Mediterranean Region," held in Florence, Italy

(t) CD/TIA/CRP.5, dated 23 August 1993, entitled "Draft Report of the Ad hoc Committee on Transparency in Armaments"

(u) CD/TIA/INF.1/Add.2, dated 12 May 1993, entitled "Background Paper pursuant to General Assembly Resolution 47/52 L and 46/36 L, 'Transparency in Armaments'"

(v) CD/TIA/INF.2/Rev.1, dated 27 July 1993, entitled "Statements made in the Conference on Disarmament during the first and second parts of its 1993 session on agenda item 8: Transparency in Armaments (CD/PV.636 - CD/PV.656: 19.01 - 25.03 1993 and 18.05 - 24.06.1993)"

(w) CD/TIA/INF.3/Rev.1, dated 24 August 1993, entitled "Background paper pursuant to document CD/1173"

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* It was agreed that this Working Paper would be discussed next year in the Ad hoc Committee due to the fact that it was circulated after the substantive work of the Committee was completed.

6. Following consultations on the organization of work, at its second meeting, on 22 March 1993, the Ad hoc Committee adopted the following Programme of Work for the 1993 Session:

"In accordance with operative paragraph 8 of General Assembly Resolution 47/52 L of 15 December 1992 which encourages the Conference on Disarmament to continue its work undertaken in response to the requests contained in paragraphs 12 to 15 of Resolution 46/36 L; and pursuant to the decision by the Conference on Disarmament to establish an Ad hoc Committee on Transparency in Armaments (CD/1180) for the 1993 session; the Ad hoc Committee on Transparency in Armaments decides to adopt the following programme of work for 1993:

1. Examination of interrelated aspects, and elaboration of universal and non-discriminatory practical means to increase openness and transparency related to:
   a - excessive and destabilizing accumulations of arms;
   b - military holdings;
   c - procurements through national production.
2. Addressing the problem of, and the elaboration of practical means to increase openness and transparency, in accordance with existing legal instruments, related to:
   a - transfer of high technology with military applications;
   b - weapons of mass destruction.

The Committee will address the above-mentioned issues with a view to examining any proposals and identifying areas of convergence, and will report to the Conference on Disarmament on its work before the conclusion of its 1993 session."

## III. Substantive Work During the 1993 Session

7. Various countries reaffirmed or further elaborated their respective positions which they had put forth last year, the detailed descriptions of which can be found in the relevant section of the previous annual report of the Conference on Disarmament, related Conference documents, plenary records and working papers (CD/TIA/WP.1, dated 21 July 1992, submitted by Cuba, entitled "Tranparency in Arms Transfers" and CD/TIA/WP.2, dated 28 July 1992, submitted by France, on the the Conference on Disarmament and transparency in armamaments). Many countries expressed their views on the item in plenary meetings of the Conference throughout the 1993 session, as contained in its official records.

8. It was agreed that an increased level of openness and transparency in the field of armaments may enhance trust and confidence among countries, help ease tensions and conflicts, promote stability and strengthen regional and international peace and security. Nevertheless, it was underlined that transparency is not an end in itself, nor is it to be pursued for its own sake. It was also agreed that transparency could contribute to restraint in production and transfers of arms, thus encouraging countries not to seek levels of armaments exceeding their legitimate security requirements and taking due account of the inherent right of individual and collective self-defence as provided for in Article 51 of the Charter of the United Nations. Transparency coupled with restraint and responsible policies in arms transfers increases confidence among countries and therefore enhances security and stability in the world. A gradual approach was advocated in the field of transparency in armaments in order to contribute to confidence building and security among countries.

9. China put forward in CD/TIA/WP.3 its eight-point principled positions on transparency in armaments, which included, inter alia, that appropriate and practicable measures were conducive to the establishment and promotion of international trust and the easing of international tensions, and helped countries to decide upon appropriate levels of armaments; that specific transparency in armaments measures should be appropriate and practicable and formulated jointly by the countries concerned through consultations on an equal footing; that to promote transparency in armaments, countries should all strictly adhere to the purposes and principles of the United Nations Charter and abide by the five principles of peaceful co-existence; and that since different countries and regions face different political, military and security conditions, it was not advisable to insist on superficially uniform transparency in armaments measures. Instead, countries should be allowed to opt for such measures as they deemed fit for their respective situation and conditions.

10. A large number of countries expressed their views on the United Nations Register of Conventional Arms, stressing its importance and the fact that universal compliance with the requirements of the Register would be a confidence-building measure and would help identify irresponsible and destabilizing arms transfers. They considered the United Nations initiative on Transparency in Armamemnts, adopted in 1991 by the General Assembly with 150 votes in favour, none against and two abstentions, as an important international instrument for transparency.

11. Argentina referred to the statement made before the plenary of the Conference on Disarmament by the President of Argentina, Dr. Carlos Menem, in which he described efforts aimed at enhancing the process of transparency in armaments as an important and stabilizing factor in international relations at both regional and global levels. President Menem recalled, in this regard, efforts and initiatives being carried out in this sphere in the Latin American region.

12. Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela maintained, in CD/TIA/WP.16, that the mandate and Programme of Work of the Ad hoc Committee on Transparency in Armaments derived from Resolution 46/36L which set clear boundaries to its timeframe and scope. If there was a need for a review of the present mandate, such a review required a new decision of the General Assembly. They pointed out that there was a need to rationalize and streamline the work of the Ad hoc Committee and that the work of the Ad hoc Committee must be solely developed with the aim of gradual expansion of the United Nations Register of Conventional Arms to include all categories and types of arms, including weapons of mass destruction, their stockpiles, indigenous production and weapons undergoing research, development, testing and evaluation. This would help to maintain the delicate balance reached in setting up the Arms Register, whose future expansion to include other categories of armaments was a determining factor in the support given by some countries to Resolution 46/36L. In this context, the above-mentioned countries also underlined the importance of avoiding multiplication or duplication of independent mechanisms in the field of transparency in armaments. They stated that progress on definitions of terms commonly used in the work of the Ad hoc Committee was a necessary condition for advancing in its task. They pointed out that the achievement of any substantive and practical progress in this field could only be effective if there was agreement and common understanding on the meaning of the terms used.

13. Many countries stressed that it was neither in the letter nor the spirit of Resolution 46/36L to limit in time the mandate of the Conference on Disarmament or to restrict the scope of the tasks entrusted to the Conference in the field of transparency in armaments to questions related solely to the United Nations Register of Conventional Arms.

14. Australia, Japan and Sweden expressed the view that transparency measures needed to be developed in such a manner as to encourage the widest possible participation. In addition, they felt that if the scope of the Register was expanded too rapidly it could increase the technical difficulties involved with compiling data; thus it should be expanded gradually. Egypt supported the view of Japan that too much transparency might work against national security interests, but believed that this concern should not be used to exclude, a priori, certain categories of weapons from the exercise in transparency. Finland expressed the conviction that the agreed measures to increase openness and transparency had not compromised anyone's legitimate security needs. Sweden specifically suggested that under the category of warships the threshold should be lowered to about 100 tons. India specified that (a) expansion of the Register could be undertaken after a period of two years based on the implementation of the present Register; (b) besides the seven categories listed, other categories could also be included such as electronic warfare systems, surveillance equipment, various types of helicopters, AWACs and force multipliers; (c) format of production of data could be expanded; and (d) attention should be paid to the qualitative as well as quantitative aspects.

15. Algeria, China and India questioned whether the United Nations Register would: prevent transfers by suppliers which would destabilize a country; serve to reduce excessive military expenditures by recipients; restrain in any manner the arms industries of the major arms suppliers; or reduce the large amount of military exports by the largest arms supplier countries, particularly to regions where tensions and conflicts exist. India stated that while there could be no definitive answers, much would depend on the image of the specific arms transfer, the nature of government and the relationship with its informed public. China emphasized that arms transfer registration must also help to stop interfering in other countries' internal affairs and threatening others' security through arms exports, and that further efforts were needed towards these goals.

16. The United States proposed a draft decision urging all members and non-members of the Conference on Disarmament to provide the Register's requested data and information to the United Nations Secretary-General by 30 April annually, to begin in 1993, and inviting all members and non-members which submit data and information to the United Nations to exchange informally copies of their national submissions. Many countries supported this draft decision as a timely proposal which fit well into the responsibility the Conference on Disarmament had been given by the United Nations General Assembly in Resolution 46/36 L. The Group of 21, while not addressing the substance of the proposal, announced that they would need more time to consider such a proposal. China pointed out that this issue should be addressed by the United Nations General Assembly.

A. Excessive and destabilizing accumulation of arms

17. Argentina and Italy expressed the view that the question regarding the limit beyond which weapons were excessive concealed a variety of local, regional, cultural, and historical interpretations which would not be possible

to unify. In addition, Australia, France, Italy, Japan, the United Kingdom and the United States were of the opinion that it might be difficult for the Ad hoc Committee to agree, at this stage, on an exact definition of what constituted an excessive and destabilizing accumulation of arms or to distinguish that from what was a reasonable level of arms. Furthermore, they considered that the absence of such a precise definition would not prevent the work of the Ad hoc Committee in developing practical and concrete measures to increase openness and transparency. Italy, in CD/TIA/WP.10, felt that a gradual approach of successive approximations (including responses to the United Nations Register) might yield an acceptable definition of the security of a nation at the lowest possible level of weapons. Other such measures towards building confidence might include periodic exchanges of military information, budgets, manoeuvres, equipment, control and verification of the data supplied to the Register.

18. Algeria and Egypt believed the Committee should attempt to identify a common understanding of the relevant terminology of General Assembly Resolution 46/36 L such as "excessive and destabilizing accumulation of arms", and "accumulations". Egypt expressed the opinion that the defensive needs of each country within its regional context must be taken into account when considering the criteria of what constituted "excessive and destabilizing accumulations of arms". Additionally, it felt that weapons of mass destruction were both excessive and destabilizing by their very nature.

19. India stated that a closer examination of paragraph 12 of Resolution 46/36L relating to the subject revealed that it left open the question of judgement as to who decides what was "excessive and destabilizing". Moreover, given the fact that military policies and systems of governments differ so widely throughout the world, this seemed to be a very difficult task.

20. Various delegations agreed that although there was no definition of legitimate military power or what constituted excessive and destabilizing, Articles 2 and 51 of the United Nations Charter pointed to the proportionate use of armed force for defensive purposes. Argentina and the United States suggested that the London Guidelines for conventional arms transfers, adopted in October 1991, were a good starting point for building international consensus on common principles regarding what were good or bad arms transfers. Russia suggested utilizing the results of agreements in other fora, such as the Treaty on Conventional Armed Forces in Europe. Hungary suggested that the very purpose of openness and transparency should be to unveil inadmissible accumulations of arms in order to provide time for the international community to react appropriately to such irresponsible action. Such an "early warning" function related to preventive diplomacy could be a new path for the international community.

21. Nigeria suggested that the Ad hoc Committee could agree on a number of factors, such as ratio of offensive weapons to defensive weapons, or percentages of military expenditures in national budgets, in order to arrive at what constituted a destabilizing and excessive accumulation of arms. Sweden thought that indicators such as yearly rates of increase in countries' military expenditures and the relation of such expenditures to countries' respective economic strength could be used.

22. China held the view that efforts on transparency in armaments should focus on the exploration of and deliberation on the principles, concepts and

definitions related to transparency in armaments, so as to lay the foundation for further work. It also believed that the first step should be to study the issue of excessive accumulation of arms. China felt that although definitions were difficult, it was still possible to establish standards by using indices such as the percentage of annual GNP devoted to military expenditure; military expenditure in terms of per unit area of a country's territory; number of soldiers per unit area of the territory; per capita annual military expenditure; and annual military cost for each soldier. Such indices, although not exhaustive, could help indicate excessive accumulations of arms without being detrimental to any country's security interests.

23. France and the United States questioned the use and validity of such indices to determine what was excessive and destabilizing as they were not seen as capable of achieving the desired result. The United States expressed the view that one possible approach was to consider the matter in relation to military holdings and procurement through national production. Germany also suggested that the subject could be approached by adding weapons which are not included on the Register of Conventional Arms, as well as by including more detail for those that are, taking into account the confidence-building value and the administrative and political costs of such additions. It specifically suggested, with regard to the Register, lowering the tonnage threshold for warships, and, for some categories of weapons, a list and description, which could be revised, of known types of weapons for countries to use in categorizing their weapons.

B. Military holdings and procurement through national production

24. This topic provoked a great deal of discussion and a number of working papers. Many countries believed that the excessive and destabilizing accumulation of armaments posed a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations. One way of addressing this problem was to highlight and examine countries' military holdings and procurement through national production. Italy suggested that the key to expansion of the Register lay in military holdings and procurement through national production. Japan pointed out the need to cope with the question of how to ensure non-discriminatory treatment between countries dependent on importing foreign arms and those whose arms requirments were met from indigenous production. Thus, in its view, openness and transparency ought to be applied to military holdings and procurement through national production as well as to arms transfers. Egypt noted the need to reach a common understanding on the meaning of the terms "procurement" and "national production" in order to avoid potential misunderstandings and obstacles in the future. With respect to "national production," Egypt also raised the question of whether the various modes of production such as 100 per cent locally produced weapons, weapons that were jointly produced, weapons that were only assembled locally, etc. were all forms of "national production". Two proposals were made, by France and the United States, to establish an international data exchange of seven major categories of military holdings and procurement through national production (CD/TIA/WP.4 and CD/TIA/WP.9).

25 The United States tabled CD/TIA/WP.4 as a practical means for increasing the level of openness and transparency in the field of armaments. The United States proposed an international data exchange in which countries would

provide annually information concerning their military forces in seven equipment categories. Information would be comprised of total equipment holdings by category and total equipment accepted into service in the past twelve months through national procurement. The United States also submitted CD/TIA/WP.6 to be considered jointly with CD/TIA/WP.4. CD/TIA/WP.6 offered definitions for the terms "military holdings" and "procurement through national production". The United States intended these two working papers to generate discussion and substantive work in the Committee and to highlight the important issues related to military holdings and procurement through national production.

26. France submitted CD/TIA/WP.8 to be considered jointly with CD/TIA/WP.9. It proposed definitions of the terms "military holdings", "procurement through national production" and "armed forces". It was intended to facilitate the concrete work of the Ad hoc Committee by attempting to avoid possible misunderstandings of the meaning to be given those terms. Working Paper 9 concerned the expansion of the scope of the United Nations Register of Conventional Arms to cover "military holdings and procurement through national production". It proposed the exchange, on an annual basis (before 30 April each year), of available basic data concerning military holdings and procurement through national production. The information to be supplied should relate to the number of items in the seven categories of conventional arms presently included in the Register. The definitions to be used for each category were those mentioned in the Annex to resolution 46/36L, as modified in the Report of the Secretary-General (A/47/342) endorsed by the General Assembly in resolution 47/52L. The available basic data to be exchanged annually should be supplied by disaggregating each category of conventional arms.

27. Considerable debate and discussion followed the proposals made by the United States and France, which were supported by many countries. Some countries expressed concern over the mechanism for the reporting system for the independent data exchange, as proposed by the United States. The United States explained that since its initiative was a "stand-alone" proposal, the Conference on Disarmament could engage in a susbstantive discussion on military holdings and procurement through national production. The United States believed that this discussion could help prepare the groundwork for the possible expansion of the United Nations Register of Conventional Arms, but, at the same time, not prejudice the work and conclusions of the 1994 group of governmental experts. Discussion revolved around definitions of terms such as leased equipment, armaments undergoing research, development, testing and evaluation, as well as modernization, "accepted into service", licensing of production, the numbers of items and values. There was also an exchange of views on the detail of information to be provided and the degree of disaggregation.

28. Sweden suggested the possibility that the format of such a data exchange could be negotiated within the Conference on Disarmament as a politically binding agreement to be made globally applicable subsequently by either integrating it into the United Nations Register of Conventional Arms or by submitting it separately to the United Nations General Assembly for approval. Sweden further expressed the view that including among the seven categories missiles and missile launchers could create security policy implications. Maintaining secrecy about the exact numbers and location of such systems was one important way for Sweden, as well as for other smaller countries not belonging to a military alliance, to secure a sufficient defence threshold against potential aggression.

29. China and India were not able to support the establishment of an international data exchange on military holdings and procurement through national production and believed that further analysis of the initial results of the United Nations Register as well as further study of practicable criteria for determining what constituted excessive accumulation of arms would be advisable for the future. India stated that simultaneity and universality were the key ingredients for the success of the Arms Register and while some governments were in a position to provide the information on the above subject because of their own systems, it had reservations on this approach which was trying to upset the delicate consensus reached in setting up the arms register. India further said it was unlikely that data for the United Nations Register which included military holdings and procurement through national production would be conducive to a system of eventual verification which might come about as a result of specific disarmament agreements. Algeria, Egypt, India and Pakistan stressed the voluntary nature of the United Nations Register which would also extend to the expansion of it or another system of reporting. Iran expressed the view, in CD/TIA/WP.15, that military holdings were a major component in the possible expansion of the Register and should include holdings in other territories as well as military support commitments by other countries through bilateral or multilateral agreements and pacts. Further, Pakistan believed that the definition of military holdings ought to include indigenous production, existing stockpiles, leased equipment, improvement of functioning of existing equipment, as well as the next generation of military equipment.

30. In CD/TIA/WP.13, Germany supported the contents of both the French and United States proposals. In order to promote consensus, Germany - on the basis of the proposal by the United States contained in CD/TIA/WP.4 - suggested broadening the framework for an international data exchange of military holdings and procurement through national production. The thrust of the proposal was to include all weapons and equipment under the control of the reporting country and to focus on numbers of items per category rather than aggregate value numbers. Thus Germany would like to enable as many countries as possible to participate in an additional process of confidence-building. While Germany advocated a data exchange within the framework of the United Nations Register of Conventional Arms, it argued that the Ad hoc Committee on Transparency in Armaments might leave the technical issue of format for the data exchange to the 1994 group of governmental experts which would review the operation and development of the Register. Belgium, Hungary and Poland supported the proposal of Germany. Sweden held the view that the German proposal could present a practical way of addressing some of the questions of definitions. Japan expressed the view that the proposal of Germany, together with the proposals of the United States and France, were all in the right direction.

31. Russia believed that though the exchange of data on military holdings and procurement through national production was essential, at the first stage the submission of relevant data should be voluntary. The data should be provided according to the seven categories of the United Nations Register of Conventional Arms in terms of the number of items per category. Russia did not agree with the proposals to include armaments and military equipment that were undergoing research, development, testing and evaluation in the data exchange. In this context, Russia presented CD/TIA/WP.18 containing concrete definitions of the terms "military holdings" and "procurement through national production".

32. A number of countries expressed the view that one of the most important interrelated aspects of the excessive and destabilizing accumulation of arms was information on armed forces personnel. In this connection, the United Kingdom submitted CD/TIA/WP.5 on an Annual Declaration of the Size and Organization of Armed Forces. The United Kingdom noted that it was difficult to incorporate all the necessary interrelated aspects of transparency into one measure. A set of complementary measures may be required to help build up a picture of how United Nations Member States meet their legitimate defensive needs without causing mistrust and suspicion. An essential part of this picture was an armed force's capability in terms of its personnel and organisation. The United Kingdom therefore proposed a simple annual declaration of the numbers of military personnel and the outline of their organisation. Australia, France, Japan and the United States supported the proposal as a measure designed to strengthen transparency and complement other United Nations Reports.

33. This proposal generated discussion about definitions of, among other things, "authorized personnel" and "reserve status", and about location and change of location of armed forces. Finland considered that military holdings could be seen in a wider context of military capabilities together with such issues as troops, units and military structures.

34. China expressed the view that conditions were not ripe for discussing those measures concerning the national possession and procurement of major weapon systems and the size, organization and deployment of armed forces, because given the current world situation and the concrete security environment of various countries and regions, should such measures be enforced on a global scale, it would enhance certain countries' already superior position while the security interests of many others would be compromised. Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela, in CD/TIA/WP.16, considered that Working Papers 4, 5 and 13 were not within the mandate of the Ad hoc Committee. However, the United Kingdom, on behalf of the Western Group, countered that they were within the mandate. Several Eastern European countries expressed their support for the view of the Western Group.

35. Japan introduced a proposal (CD/TIA/WP.7), on the elaboration of universal and non-discriminatory practical means to increase openness and transparency in armaments. It analysed the question of how to achieve "non-discrimination" and "universality" and also the relationship between these two concepts. Japan pointed out that: the scope of the measures should include not only the transfers of weapons, but also military holdings and procurement; the transparency in armaments operation must be simple and clear; and due consideration must be paid to each country's security concerns and flexibly meet specific regional needs. Japan proposed that: categories of weapons to which transparency in armaments operation is applied for military holdings and procurement do not necessarily have to be identical with those for arms transfers; supplemental transparency in armaments operations tailored to regional needs may be developed; and ways may be explored to utilize information made public by national governments.

36. Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela expressed the view that the issues of non-discrimination and universality were also relevant to the work of the Ad hoc Committee which must be approached in a way which neither discriminated among countries nor among categories and types of arms.

37. Sweden expressed the need to link the discussion about transparency in armaments with regional disarmament, and expressed the view that the Conference on Disarmament could play a more active role in this area. Algeria and Australia suggested the possibility of dealing with arms transfers not only on a multilateral level but on a regional level as well. Argentina stressed the importance confidence-building and transparency measures have at the regional level to defuse suspicion and misperceptions among countries. Iran expressed the view, in CD/TIA/WP.15, that transparency in armaments was a confidence-building measure subject to specific military and geographic conditions of different regions. Iran believed that problems were abundant, however, in other regions, particularly where tensions and conflicts prevailed, and that therefore regional cooperation in the area of transparency in armaments should be encouraged, enhanced and strengthened through international assistance.

38. Further, Italy suggested in CD/TIA/WP.17, as a useful practical means to increase transparency, the declaration of closure or reconversion to peaceful purposes of plants which have performed military production in the past.

C. Arms transfers and transfer of high technology with military applications

39. Various countries discussed their relevant national legislations on controls of export, import and transit of weapons materials and products of advanced technology with military applications. Argentina and Italy suggested compiling and comparing such existing laws and regulations and others on transfers of armaments, with the view to harmonizing respective legislation and existing agreements. France recalled its proposal (CD/TIA/WP.2) to pool and analyse information on national legislation and regulations and on export control procedures introduced by the supplier countries in order to facilitate a dialogue between suppliers and recipients of dual use technology. Italy invited members and non-members of the Conference on Disarmament who had adopted legislation on the subject to send such material to the United Nations, as it had done. Further, in CD/TIA/WP.10, it suggested establishing working groups or friends of the chairman to examine legal aspects and guidelines for national legislation, improvement of the United Nations Register of Conventional Arms, and other measures to increase reciprocal confidence. Brazil suggested that a large number of countries participate in the elaboration of rules governing transfers and controls of dual use technology.

40. Argentina, Poland, Romania, Ireland and Senegal suggested establishing agreed guidelines to serve as an international code of conduct to help control arms transfers and activities of weapons suppliers in accordance with universally applicable rules and standards. Romania further suggested that the overall aspects of transparency in armaments could be regulated through an international treaty which would set standards and procedures as well as appropriate implementation mechanisms. The United States made an expert presentation on export controls (CD/TIA.WP.11); presented a Working Paper on the United States arms export system: policy, practices and contacts (CD/TIA//WP.12); urged that the Conference on Disarmament promote restraint in arms exports and imports; and offered to assist others in creating the type of export control process and policy framework to prevent destabilizing transfers of conventional arms.

41. China and Nigeria felt that countries with the largest and most advanced arsenals had the major responsibility to reduce their weapons exports, especially those of high technology, sophisticated and advanced weapons, and take the lead in making public information on their arsenals and force deployment, production and transfer of arms.

42. India recalled paragraph 51 of the Final Document of the Jakarta Summit of the Non-aligned Countries which stated that growing restraints being placed on access to technology by the developed countries through imposition of ad hoc control regimes under the pretext of non-proliferation regimes impede the economic and social development of developing countries. India suggested, as a confidence-building measure, the elimination of the Missile Technology Control Regime, the Nuclear Suppliers Group and Australia Group restrictions. China believed that, at present, there exist in the field of transfer of high technology various kinds of unjust and discriminative control and limitation against the developing countries. However, Australia, Canada, France, Germany, the Netherlands, Russia, the United Kingdom and the United States contended that export controls were a necessary complement to international agreements prohibiting transfers or the acquisition of weapons of mass destruction and were designed to implement such commitments. Thus they stressed that these export controls contributed to preventing proliferation of these arms and were in no way intended to prevent the transfer of technology for development. At the same time, the Russian Federation favoured the discontinuation of the COCOM discriminatory practices with regard to Russia and the transformation of this regime into an instrument of constructive interaction of the international community for non-proliferation purposes. Russia also supported the idea of overcoming confrontation on the issue of export controls along the North-South axis through response actions by country suppliers of high technologies and recipient countries. Germany maintained that the parameters of Article XI of the Chemical Weapons Convention provided the solution to the problem, and suggested addressing the question of how transfers of high technology with military applications could be made transparent before tackling more far-reaching measures.

43. Iran expressed the view, in CD/TIA/WP.15, that no provisions eventually agreed upon should by any means limit the availability of material, equipment and scientific and technological information for peaceful purposes. All export control regimes outside the treaties and conventions in areas where they existed must be eliminated. In other areas, they should be made completely transparent, reduced to the minimum necessary level, and devoid of discrimination with the sole objective of enhancing international security at a lower level of armaments. These regimes should also be eliminated once internationally agreed arrangements came into being.

D. Weapons of mass destruction

44. Argentina proposed a supplementary register for the comparison of information obtained from the implementation of relevant treaties and agreements concerning weapons of mass destruction, CD/TIA/WP.14. The proposal of Argentina would consist of a consolidated report of already existing, publicly available information on the degree of implementation of multilateral and bilateral agreements dealing with weapons of mass destruction which, due to their characteristics, often include provisions whose fulfilment is staggered in time. Thus, the Argentine proposal would aim at providing the international community with an official source of information on the actual

situation concerning weapons of mass destruction subject to the terms of relevant agreements. Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela supported the Argentine proposal and welcomed, in principle, CD/TIA/WP.7 submitted by Japan. The United States found the Argentine proposal discriminatory, as it would only cover data on Russian and United States nuclear armaments, which was already publicly available, and therefore would not enhance the security of countries around the world. France recalled its proposals (CD/TIA/WP.2) related to possible measures, in conformity with international agreements, aimed at increasing transparency in the field of weapons of mass destruction.

45. Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela expressed the view that the exclusion of certain categories or equipment could prejudice the work of the group of governmental experts to be convened in 1994.

46. Nigeria expressed the view that, in conformity with the comprehensive and non-discriminatory character of the United Nations Register of Conventional Arms, it should not be limited to conventional weapons but must also include weapons of mass destruction. Canada, France and Russia stated that, due to the specificity of weapons of mass destruction and the international agreements applicable to them, differentiated measures of transparency should be sought for these arms. Therefore, these countries considered that it was not appropriate to call for the addition of weapons of mass destruction to the present United Nations Register of Conventional Arms. They also pointed out the fact that there were already global instruments in place prohibiting transfers or the acquisition of weapons of mass destruction and considered that the international community should continue to seek universal adherence to these instruments. In this connection, Egypt reiterated that, pending the full implementation of the provisions of all global instruments relating to weapons of mass destruction, transparency in the field of weapons of mass destruction should be ensured.

47. The United Kingdom stressed the need to address the question of conventional weapons rather than focus purely on weapons of mass destruction. In addition, the United Kingdom and the United States asked what practical means, besides the Argentine proposal, delegations were suggesting in order to increase openness and transparency related to weapons of mass destruction. Nigeria and Russia suggested establishing an exchange of data both on the quantity of fissionable materials which resulted from the destruction of nuclear weapons as they were being reduced and on their storage facilities.

## IV. Conclusions and Recommendations

48. The work of the first session of the Ad hoc Committee in the Conference on Disarmament covered a great amount of new ground. The Ad hoc Committee conducted a substantive exchange of views on a number of complex issues surrounding the subject of transparency in armaments. Many suggestions and working papers were presented on a wide variety of topics, and several of them contained concrete proposals for practical measures to increase openness and transparency. Although agreement has not been reached on these proposals, countries concurred that many of the issues contained therein were useful for future consideration and work to promote trust, confidence building and stability.

49. In the light of the above, the Ad hoc Committee therefore recommends that it be re-established at the beginning of the 1994 session of the Conference on Disarmament.